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May 24, 2005



VIA HAND DELIVERY

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

Part of
Public Record

**Re: Ex Parte No. 656, Motor Carrier Bureaus –
Periodic Review Proceeding**

Dear Mr. Williams,

Enclosed for filing are an original and 10 copies of the initial Comments of the National Bus Traffic Association, Inc. in response to the Board's request for comments dated December 13, 2004 in the above-referenced proceeding. Also enclosed are an original and 10 copies of NBTA's Motion to File Out of Time.

Please stamp the additional copies of each pleading and return to me via messenger.
Thank you for your assistance in this matter.

Sincerely,

Richard P. Schweitzer

Richard P. Schweitzer

Counsel for National Bus
Traffic Association, Inc.

214060

BEFORE THE
SURFACE TRANSPORTATION BOARD



EX PARTE NO. 656

MOTOR CARRIER BUREAUS – PERIODIC REVIEW PROCEEDING

MOTION TO FILE OUT OF TIME
THE COMMENTS OF THE
NATIONAL BUS TRAFFIC ASSOCIATION, INC.

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Attorneys for National Bus
Traffic Association, Inc.

May 24, 2005

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**EX PARTE NO. 656
MOTOR CARRIER BUREAUS
PERIODIC REVIEW PROCEEDING**

**MOTION TO FILE OUT OF TIME
THE COMMENTS OF THE
NATIONAL BUS TRAFFIC ASSOCIATION, INC.**

Pursuant to the Board's Request for Comments dated December 13, 2004 regarding its periodic review of motor carrier collective-activities agreements previously approved under 49 U.S.C. 13703, the National Bus Traffic Association, Inc. ("NBTA"), has filed comments requesting that the Board renew NBTA's collective-activities agreement. Comments were requested to be filed by March 2, 2005, with reply comments due by April 1, 2005 and rebuttal comments due by April 21, 2005. STB Decision in Docket NO. EP-656 (Jan. 21, 2005). NBTA respectfully requests that its comments be accepted by the Board even though they are untimely, and in support of its motion states as follows:

As noted in NBTA's comments, submitted concurrently with this Motion, NBTA's bureau agreement has not changed since the Board's most recent renewal of that agreement on May 13, 2002. NBTA's agreement does not set rates for the carriage of bus passengers, but merely establishes rules for bus passenger transportation, as well as sets charges and rules for the handling of baggage and express packages. Permitting collective activity on these matters promotes cost efficiencies in the establishment of bus operating procedures, particularly for small bus operators. Those cost efficiencies permit bus operators to compete more effectively with low-cost airlines, subsidized rail carriers, and individually-owned automobiles, resulting in

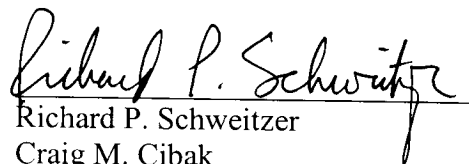
a lower cost alternative to the travelling public. Without the antitrust immunity that approval provides, NBTA members may be exposed to charges of antitrust violations.

Permitting NBTA to file their comments out of time does not prejudice any party to this proceeding. NBTA's bureau agreement was renewed as recently as 2002, and there has been no change in the circumstances surrounding the agreement since then. NBTA's agreement does not involve issues of rate-setting, because the agreement does not allow for setting rates collectively. Each NBTA member sets its own rates for bus passenger transportation. NBTA's comments do not raise any new issues in this proceeding, and to the best of NBTA's knowledge and belief it does not appear that any party specifically opposes the renewal of the NBTA agreement. Thus, no party would be prejudiced by the late filing of NBTA's comments.

CONCLUSION

NBTA's comments establish that the collective activities conducted by NBTA members pursuant to their bureau agreement are in the public interest. There has been no change in the circumstances relating to NBTA's agreement since the Board's most recent renewal. NBTA's collective activities agreement does not involve rate setting for passenger fares. NBTA's comments raise no new issues in this proceeding, and thus do not prejudice any party. For these reasons, NBTA requests that the Board permit NBTA to file its initial comments out of time.

Respectfully submitted,



Richard P. Schweitzer

Craig M. Cibak

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